

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

KENNIS S. JONES,)	No. ED104134
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Philip D. Heagney
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: April 18, 2017

Kennis S. Jones (“Jones”) appeals from the denial of his Rule 24.035 motion after an evidentiary hearing. Jones pleaded guilty to one count of first-degree robbery. On appeal, Jones argues that his defense counsel was ineffective for advising Jones that he was eligible for the 120-day drug treatment program under Section 559.115 (“120-day program”) when the Missouri Department of Corrections (“MDOC”) was denying eligibility to defendants convicted of first-degree robbery. Because defense counsel correctly advised Jones that he was eligible for the 120-day program, the motion court did not clearly err in denying Jones’s claim of ineffective assistance of counsel.

AFFIRMED.

DIVISION FOUR HOLDS: The motion court did not clearly err in denying Jones’s motion for post-conviction relief. Defense counsel correctly advised Jones as to his eligibility for the 120-day treatment program, and the plea court expressly considered Jones for the program.

Opinion by: Kurt. S. Odenwald, Judge
James M. Dowd, P.J., and Gary M. Gaertner, Jr., J, concur.

Attorney for Appellant: Kristina Starke Olson

Attorney for Respondent: Joshua D. Hawley and Colette Neuner

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
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